

Senate File 202 - Introduced

SENATE FILE 202
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1036)

A BILL FOR

- 1 An Act relating to public records requests.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.3, subsection 1, Code 2023, is amended
2 to read as follows:

3 1. The examination and copying of public records shall
4 be done under the supervision of the lawful custodian of the
5 records or the custodian's authorized designee. The lawful
6 custodian shall not require the physical presence of a person
7 requesting or receiving a copy of a public record and shall
8 fulfill requests for a copy of a public record received in
9 writing, by telephone, or by electronic means. Although
10 fulfillment of a request for a copy of a public record may be
11 contingent upon receipt of payment of reasonable expenses, the
12 lawful custodian shall make every reasonable effort to provide
13 the public record requested at no cost other than copying costs
14 for a record which takes less than thirty minutes to produce.
15 In the event expenses are necessary, such expenses shall be
16 reasonable and communicated to the requester ~~upon receipt of~~
17 ~~the request~~ in accordance with section 22.4, subsection 3.
18 A person may contest the reasonableness of the custodian's
19 expenses as provided for in [this chapter](#). The lawful
20 custodian may adopt and enforce reasonable rules regarding the
21 examination and copying of the records and the protection of
22 the records against damage or disorganization. The lawful
23 custodian shall provide a suitable place for the examination
24 and copying of the records, but if it is impracticable to do
25 the examination and copying of the records in the office of
26 the lawful custodian, the person desiring to examine or copy
27 shall pay any necessary expenses of providing a place for the
28 examination and copying.

29 Sec. 2. Section 22.4, Code 2023, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 3. Upon receipt of a request for a copy
32 of a public record, the lawful custodian or the custodian's
33 authorized designee shall promptly do all of the following:

34 a. Acknowledge the request and provide contact information
35 for the lawful custodian or the custodian's authorized

1 designee.

2 b. Provide an approximate date by which an estimate for any
3 reasonable expenses and the release of a copy of the public
4 record or a response to the request pursuant to paragraph "c"
5 will be provided to the requester.

6 c. Upon a determination of any of the following, the lawful
7 custodian or the custodian's authorized designee shall promptly
8 inform the requester of the following:

9 (1) Any expected delay in the production of the public
10 record.

11 (2) That a public record responsive to the request does not
12 exist.

13 (3) That the record is confidential pursuant to section
14 22.7.

EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill provides that upon receipt of a public record
19 request, the lawful custodian shall promptly acknowledge the
20 request and provide the lawful custodian's contact information,
21 and approximate date of the release of the public record and an
22 estimate of any reasonable expenses associated with the public
23 record request, if applicable. The custodian shall inform the
24 requester of any delay in the production of the public record,
25 if the requested public record does not exist, and if the
26 requested public record is confidential.